

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 20040568

Abbott's Waste Oil Service, Inc

ENFORCEMENT ORDER

2627 Gardena Avenue, Lot A

Signal Hill, CA 90755

Health and Safety Code

Section 25187

EPA ID NO..CAD 981 373 665

Respondent

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Abbott's Waste Oil Service, Inc. (Respondent)

1.2. Site. Respondent transports hazardous waste,,

1.3. Permit/Interim Status. The Department authorized Respondent to manage hazardous waste by Hazardous Waste Transporter

Registration Number ,3220

1.4. Jurisdiction. Section 251.87 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto

1.5. Exhibits,..All exhibits attached to this Order are incorporated herein by this reference.

#### DETERMINATION OF VIOLATIONS

2.. The Department has determined that:

2.1. The Respondent violated Health and Safety Code section 25250.7, subdivision (a) in that on two (2) separate occasions, on May 27, 2003 and on January 27, 2004, the Respondent intentionally contaminated used oil with other hazardous waste, brake fluid

2.2. The Respondent violated California Code of Regulations, title 22, section 66263.23, subsection (b) in that on four (4) separate occasions between May 8, 2003 and January 16, 2004, the Respondent delivered used oil mixed with a contaminated petroleum product (CPP) to a hazardous waste facility which is not authorized by the Department to receive such waste.

2.3. The Respondent violated Health and Safety Code section 5160.2, subdivision (b)(4)(A), in that on 1.1 separate occasions between August 8, 2003 and March 8, 2004, the Respondent failed to record the generator's EPA ID number on the receipts when using the consolidated manifesting procedures.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, I  
[S HEREBY ORDERED THAT:

3.1.1. Effective immediately, Respondent shall not  
intentionally contaminate used oil with other hazardous waste  
including brake fluid

3.1.2. Effective immediately, Respondent shall deliver used  
oil mixed with a contaminated petroleum product to a hazardous waste  
facility which is authorized by the Department to receive such waste

3.1.3. Effective immediately, Respondent shall obtain and  
record the generator's EPA ID numbers on receipts when using the  
consolidated manifesting procedures.

3.2. Submittals. All submittals from a Respondent pursuant  
to this Order shall be sent simultaneously to:

Robert Kou, Unit Chief  
Statewide Compliance Division  
Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, California 91201

3.3. Communications. All approvals and decisions of  
the Department made regarding submittals and notifications will be  
communicated to Respondent in writing by the Branch Chief, Department  
of Toxic Substances Control, or his/her designee. No informal advice,  
guidance, suggestions, or comments by the Department regarding  
reports, plans, specifications, schedules, or any other writings by  
Respondent shall be construed to relieve Respondent of the obligation  
to obtain such formal approvals as may be required,,

3.4. Department Review and Approval. If the Department

determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

1 3.5. Compliance with Applicable Laws: Respondent shall  
1 carry out this Order in compliance with all local, State, and federal  
1: requirements, including but not limited to requirements to obtain  
1: permits and to assure worker safety,

1' 3.6. Endangerment during Implementation: In the event that  
1: the Department determines that any circumstances or activity (whether  
16 or not pursued in compliance with this Order) are creating an imminent  
1' or substantial endangerment to the health or welfare of people on the  
18 site or in the surrounding area or to the environment, the Department  
19 may order Respondent to stop further implementation of this Order for  
20 such period of time as needed to abate the endangerment. Any deadline  
21 in this Order directly affected by a Stop Work Order under this  
2: section shall be extended for the term of the Stop Work Order,

23 3.7. Liability: Nothing in this Order shall constitute or  
24 be construed as a satisfaction or release from liability for any  
25 conditions or claims arising as a result of past, current, or future  
26 operations of Respondent. Notwithstanding compliance with the terms  
27 of this Order, Respondent may be required to take further actions as

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are necessary to protect public health or welfare or the environment

3.8. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but, not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability.. Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order.. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this order. If the Department requests that some or all of these documents

be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Go-vernment Liabilities: The State of California shall not be liable for injuries or damages to persons *or* property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent *or* its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.

3.12. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

#### OTHER PROVISIONS

4.1 Additional Enforcement Actions: By issuance of this

Order, the Department does not waive the right to take further enforcement actions

4.2. Penalties for Noncompliance.: Failure to comply with the terms of this Order may also subject Respondent to costs penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Order means calendar days

#### PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$10,000. Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Account Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P O Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Robert Kou, Unit Chief  
Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, California 91201

~~RIGHT TO A HEARING~~

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period

Date of Issuance : December 6, 2004

Original Signed by Robert Kou

Robert Kou, Unit Chief  
Department of Toxic Substances Control